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SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)
later: Mr. BROTODININGRAT (Indonesia)

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The meeting was called to order at 10.15 a.m.

STATEMENT BY MR. GEORGS ANDREJEVS, MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF LATVIA

1. Mr. ANDREJEVS (Minister of Foreign Affairs of the Republic of Latvia), after recalling that the Republic of Latvia had become a member of the League of Nations in 1922, said that the annual sessions of the Commission on Human Rights in Geneva had been of particular importance to his country during the 50 years of its illegal occupation by the former Soviet Union, since on those occasions non-governmental organizations had reminded Member States that the Republics of Latvia, Estonia and Lithuania were not de jure parts of the Soviet Union. He was therefore pleased to be able to take the floor in the Commission at the present time.

2. The Baltic States were still experiencing each day the consequences of the Second World War, following which the Stalinist regime had embarked upon a true genocide of the Latvian people. After 500,000 persons had been massacred or deported by the Soviets and the Nazis or had fled to the West as refugees, over 100,000 Latvian citizens had been deported between 1945 and 1949 and in 1959. In 1959 Moscow had launched a large-scale but absolutely unnecessary industrialization policy accompanied by intensive colonization. By the end of the 1970s Latvia had been in a state of social, economic and ecological crisis. From 1959 to 1989 Latvia's total population had increased by 27 per cent, but while the increase in the indigenous population had been only 7.6 per cent foreign settlers had increased by 58.5 per cent; that was worth bearing in mind. Such problems had remained after independence, which had been declared on 4 May 1990: a large number of foreign troops were still stationed in Latvia and particularly in Riga, the capital, which had been the former headquarters of the Soviet Baltic Military District; the economic crisis was continuing during the transition to a free market economy following the collapse of the communist system; the demographic situation was disastrous since statistics confirmed that at the present time ethnic Latvians who, for decades, had been discriminated against by the Soviet authorities were virtually a minority in their own country. Indeed, the 1989 Soviet census indicated that they accounted for only 52 per cent of the population and were an absolute minority in the seven largest cities of Latvia.

3. In August 1991, the Supreme Council of the Republic of Latvia had restored the 1922 Constitution, thereby confirming the legal continuity of the Latvian State established in November 1918. In order to facilitate the restoration of Latvian statehood, the authorities were registering all persons resident in Latvia - regardless whether they were ethnic Latvians or not - who, under the 1922 Constitution or the Citizenship Laws of 1919 and 1927 were Latvian citizens. Residents who were not nationals were also being registered and subsequently they could, if they so wished, apply for Latvian nationality.

4. The Supreme Council had been elected in March and April 1990 in accordance with the Soviet Electoral Law then in force which had enabled Soviet soldiers and military personnel to vote and stand for election. However, under the 1922 Constitution, the Supreme Council was not authorized to pass laws concerning naturalization; that would be done by the Latvian Saeima which would be elected only on 5 and 6 June 1993. The accusations made by Russian officials, as well as Russian and Western mass media, to the effect that there

was discrimination against ethnic Russians in Latvia were unjustified, since any attempt to draw conclusions on the basis of legislation that had yet to be passed was premature. Moreover, in December 1991 the Supreme Council had adopted a constitutional Law on the rights and obligations of a citizen and a person under which "all persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin". The charges constantly being made that Latvia was responsible for mass violations of human rights and aggressive nationalism were therefore unfounded. They had not been confirmed neither by the findings of the Rapporteurs of Council of Europe delegations nor by the fact-finding missions of the Centre for Human Rights, nor yet by the CSCE High Commissioner on National Minorities.

5. Latvia's demographic situation was the result of a series of large-scale population transfers, most of which had been brought about by deliberate Soviet Government policies (influx of Soviet troops and retired military officers, deportations of Latvian residents and large-scale industrialization with imported managers and workers). Moreover, during 50 years of Soviet occupation, the policy of the Soviet authorities had been to prevent the access of Latvians to leading positions. In order to eliminate the consequences of Soviet occupation and settlement, Latvia reserved the right to implement an affirmative action policy for Latvia's indigenous population. That policy would not affect the rights of foreign citizens or stateless residents, since Latvia's laws provided that all persons, citizens and non-citizens alike, enjoyed the right to freedom of travel, speech, assembly, religious worship and choice of residence. Moreover, citizens and permanent residents alike were also guaranteed pensions, unemployment benefits and access to health care and housing. However, issues regarding the status, rights and social guarantees of Russian army officers on active service and their families who still resided in Latvia were the subject of bilateral negotiations between Latvia and Russia.

6. Although much had been said and written about the fate of Russians in the republics of the former Soviet Union, the situation of national minorities and ethnic groups in the Russian Federation itself had received little attention. Latvia was deeply concerned about the fate of Latvians in Russia, and especially by the effects of the restoration of their Latvian citizenship since, according to Russia's tax laws, the citizens of other States must pay their taxes in hard currency. Furthermore, even if they had resided for a large number of years in Russia, the citizens of other States were not entitled to Russian Federation privatization certificates. Those requirements would make it unreasonable for Latvians residing in Russia to opt for Latvian citizenship. Furthermore, although approximately 210,000 Latvians lived in the Russian Federation, there was not a single Latvian school, Latvian newspaper or Latvian radio programme in that country. In Latvia, on the other hand, education was provided in 16 languages. Lastly, he emphasized that Latvia was in a period of transition, that it had had little time to reverse the effects of 50 years of foreign occupation, and that much remained to be done in order to create a State based on the rule of law. Nevertheless, at the present time there was no violence in Latvia, individuals were no longer oppressed for their beliefs and the fundamental freedoms embodied in the Universal Declaration of Human Rights were guaranteed to all Latvia's residents, citizens and non-citizens alike.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1993/15; E/CN.4/1993/77; E/CN.4/1992/9; E/CN.4/1992/16)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1993/16; E/CN.4/1993/NGO.3; E/CN.4/1993/9/Rev.1)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1993/69; E/C.12/1988/1; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (A/47/628)

7. The Chairman invited participants to continue consideration of agenda items 7, 8, 17 and 18.

8. Mr. PINOARGOTE (Observer for Ecuador) observed, in connection with agenda item 8, that increasing importance was being attached to social problems and human resources. In his concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development (E/CN.4/1993/16), the Secretary-General specifically dealt with the issue of the responsibility of international financial institutions, indicating that the Commission could call upon IMF and the World Bank to review and implement their original mandates so that the burden of adjustment would not fall only on the deficit countries and that the developing countries could achieve sound and sustainable development without being obliged, for example, to borrow on private financial markets. The report also stated that the World Bank should be encouraged to incorporate the concept of popular participation in the planning of its programmes; his delegation shared that view and emphasized that, more and more, financial agreements were being concluded directly between States and no longer through international bodies. Furthermore, some of the projects implemented in many developing countries were development projects only in name, and were a pure waste of money while the health conditions of the majority of the population were appalling. It was criminal to increase the indebtedness of countries which were already being suffocated by their debts, particularly as such indebtedness was caused by projects lacking any social dimension. That approach simply widened the gap between the rich and poor countries in an alarming manner and seriously jeopardized the right to life since nothing was being done to remedy ills such as infant mortality, rickets and malnutrition.

9. His delegation expressed the hope that, in the framework of technical co-operation with the developed countries and planning in the developing countries, only those projects meeting an obvious and unquestionable social need would be financed by direct borrowing between States. His Government, for its part, had decided to accord priority to social development projects through the National Development Council.

10. Referring to agenda item 7, he noted, in connection with the report prepared by Mr. Luis Valencia Rodriguez on the right of everyone to own property alone as well as in association with others (E/CN.4/1993/15), that very few States and organizations had supplied the information requested of them. Everything connected with the transformation of the economy and development of the concept of property in the former Soviet Union was particularly important. His delegation therefore suggested that the Commission should extend the mandate of the independent expert to enable him to complete his report in the light of new information.

11. In conclusion, he noted that human rights were being increasingly recognized by countries - including the most powerful - as an integral part of economic development and that a market economy was not necessarily the same thing as the unrestrained mercantilism that had prevailed in the nineteenth century. In that respect he paid tribute to the Clinton Administration which had realized the importance of certain sectors such as education and health, and observed that the country with the highest economic growth rate at the present time was the People's Republic of China. It was to be hoped that the Commission, through its discussion of the right to development, would exert a certain amount of influence on concrete economic policies.

12. Mr. LARSEN (Observer for Denmark), speaking on behalf of the European Community and its member States, and referring to agenda items 7 and 8, observed that only recently - for little more than a decade - had mention been made in the United Nations of the relationship between human rights, democracy and development. The European Community and its member States were taking an active part in bringing those three concepts together. For example, on 28 November 1991, the Council of Ministers of the European Community had adopted a resolution on the relationship between those three elements and emphasized the need to support democratic processes. The Fourth Lomé Convention, namely, the co-operation agreement between the European Community and a multitude of countries in Africa, the Caribbean and the Pacific, had for the first time contained articles relating specifically to the role of human rights in such co-operation. The Convention stipulated that development should be centred on man as the main beneficiary of development, that respect for human rights was a basic factor of real development and that co-operation was conceived as a contribution to the promotion of such rights.

13. The same approach was reflected in the Paris Declaration and Programme of Action of the Second United Nations Conference on the Least Developed Countries, as well as in the International Development Strategy for the Fourth United Nations Development Decade and in the documents of the Rio Conference. He noted with appreciation that the relationship between human rights, democracy and development would be a key issue at the forthcoming World Conference on Human Rights. But what exactly was the relationship between human rights, democracy and development? Mr. Boutros Ghali, the United Nations Secretary-General had come up with a happy turn of phrase on the subject when he had stated that if there was no development without democracy there could also be no democracy without development. The relationship between democracy and development was reciprocal; one depended on the other. If respect for human rights was part of the development process, the latter was sustainable; similarly, if development satisfied the social and economic needs of citizens, democratic institutions would be strengthened. In the view of the European Community, development, and particularly that of the least developed countries, must be supported and assisted by public development assistance, particularly with a view to the elimination of poverty. And the campaign against poverty would be all the more

effective if the developing countries themselves achieved a more equitable distribution of national wealth on the basis of democratic institutions. The European Community and its member States had, in the framework of their co-operation activities, initiated programmes in support of democratic structures.

14. Mr. Chiluba, the President of Zambia, speaking at the recent Summit of the Organization of African Unity held at Dakar, had emphasized the importance of individuals in the development process and the fact that democracy was not a preserve of the Western countries alone. That thought reflected the desire for political reform that was emerging throughout the world and particularly in Africa. It was being recognized to an increasing extent that development could be achieved only through the participation of the people and respect for human rights. Most of the ideologies that had served as a pretext for a so-called development process and had been imposed by totalitarian or authoritarian means had failed.

15. The Declaration on the Right to Development brought together the individual rights recognized in the Covenants, as well as the collective aspirations for greater well-being. But its message was valid for both categories and was that of solidarity - solidarity between the rich countries and their developing partners and solidarity within every country with the most disadvantaged. The European Community was not seeking to impose a model since it was for the States concerned to set up structures in order to respond to the needs and wishes of their people. In any event, unless the individual was made the subject of development, development policies were doomed to failure.

16. Mr. TAPLIN (International Monetary Fund) noted that, although States and international institutions were in general agreement on the objectives of the right to development, misunderstandings often arose concerning the identification of the causes of problems and the way they could be solved. Those differences of view were due to the fact that circumstances were not static and indeed changed very rapidly owing to the globalization of economic activity, information flows and human aspirations.

17. Since the world was constantly changing, IMF was also obliged constantly to review the way it carried out its mandate which was to assist countries to achieve lasting growth. Attainment of that goal and the satisfaction of basic human needs called for bold action not only to eliminate any obstacles in the way of that objective but also to consolidate what had been achieved. In that respect it was clear, first of all, that there was no all-purpose solution and that remedies should be adapted to the specific circumstances of each country; secondly, that the solution could not be imposed from outside; and thirdly that any solution required time.

18. In the view of IMF, the better use of resources in most cases entailed what was called structural adjustment - structural adjustment "in" rather than "of" the economy. In his report on the right to development (E/CN.4/Sub.2/1992/16) the Secretary-General had drawn attention to the negative effects of structural adjustment programmes which, according to him, hampered the realization of basic economic rights. Yet it was economic misalignment, namely, the situation that justified structural adjustment which constituted the threat to human rights. As for growth, it could not be a goal in itself since much depended on its structure; if its structure was inadequate, the gulf between rich and poor would yawn ever greater. In his view, it was inequity

that created the need for structural adjustment and not structural adjustment that produced inequity. The task of curing a sick economy admittedly entailed painful treatment, but there was no such thing as a painless miracle remedy. The question was not whether adjustment was necessary but whether it was orderly and coherent and therefore likely to produce positive results.

19. Not only IMF but also observers and economists had foundthat structural adjustment yielded good results. Experience had shown that it should be accompanied by measures designed to attenuate possible negative effects, particularly at the social level. IMF, together with the World Bank, was paying increasing attention to such measures and was thereby meeting the wishes of the Secretary-General. In certain countries, for example, severance pay or retraining programmes were proposed when adjustment programmes entailed reductions in the number of the staff. Elsewhere, foodstuffs or food stamps were distributed to offset reductions in consumer goods subsidies. However, if the burden of structural adjustment borne by the poorest countries was to be alleviated they must also improve the financial, social and other conditions in which adjustment programmes were implemented. Should the Commission desire further information on the various points he had raised, he suggested that it might refer to the report submitted by IMF to the Sub-Commission on Prevention of Discrimination and the Protection of Minorities at its 1992 session.

20. Mr. Brotodiningrat took the Chair

21. Mrs. NUÑEZ (Commission for the Protection of Human Rights in Central America) said that increasing poverty and misery in Central America was the direct consequence of age-old social injustice, aggravated by the neo-liberal development policies pursued by the Governments of the region in accordance with the structural adjustment guidelines laid down by international financial bodies. That situation was contrary to the Universal Declaration of Human Rights and the international Covenants, according to which "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights".

22. It was also disturbing to note that international public opinion felt that wars had ended in Central America and that therefore peace and progress now prevailed in that region. Yet it was precisely there where, according to the Pan-American Health Organization, 28,320 new cases of cholera had been recorded in 1992, which was five times the 1991 figure. It was moreover in that region that unemployment and underemployment had attained unprecedented levels, that the purchasing power of wages had declined sharply and that the concept of the right to health had lost its meaning, resulting in an increase in infant mortality rates. Illiteracy was increasing steadily except in Costa Rica. Lastly, the peoples of the Central American countries were living in constant fear of the privatization of social security and public services. In point of fact, Central America was witnessing a virtual "privatization" of human rights, which in future would be enjoyed only by those who had the means to do so.

23. In some countries the situation as regards specific rights was even more serious: in Panama, the housing crisis was so acute that the United Nations Committee on Economic, Social and Cultural Rights had, at its last session, asked to visit the country in order to assess the magnitude of the problem; in Nicaragua, 64 per cent of the active population was unemployed and severe

repressive measures were being taken by the authorities in urban and rural working class areas; in Honduras repressive measures were being taken against trade unions and co-operative movements which were tying to oppose the privatization of the public sector; and in Costa Rica various movements were protesting the strict application of the neo-liberal model which failed to take either the basic requirements of the population or social justice into account.

24. A better understanding of the situation called for an examination of the functioning of the traditional Central American "development" model which was characterised by the concentration of growth for the benefit of established oligarchies and interference by the United States. That complex situation was further aggravated by the implementation of structural adjustment policies in a neo-liberal context, since the peoples of Central America were accorded a certain amount of development through such policies that were supposed to rehabilitate their economies. Yet it was for the peoples themselves, by virtue of their right to self-determination, to choose a development model that respected and guaranteed all human rights and took into account the circumstances of the most vulnerable groups such as women, refugees and indigenous populations.

25. It was therefore now essential to recognize that the developed countries, international financial institutions and multinational corporations which controlled the world economy bore an important moral responsibility in the situation prevailing in Central America; yet it was the moral responsibility of the Governments of countries of the region to adopt development measures likely to promote and guarantee respect for human rights.

26. Mr. SOTTAS (World Organization against Torture) said that the second Paris Conference on the Least Developed Countries had led his organization, in the context of its efforts to put an end to torture, summary executions and forced disappearances, to pay increasing attention to economic policies that created or maintained serious social imbalances that gave rise to tension and violence. For that reason, it had noted with considerable interest the emerging trend in UNDP to emphasize the development of the individual. Although some of the choices made by UNDP among its hierarchy of indicators were questionable, the general thrust of the strategies envisaged marked an important step forward in comparison with the objectives previously established by the United Nations in the framework of the Development Decades.

27. Although his organization was not in favour of economic boycotts against States that failed to respect human rights, and particularly against States that were among the poorest in the world, it supported the view that the attitude of requesting States to the extension of democracy and its protection of human rights in their countries should in future be one of the criteria used in allocating economic assistance. That would contribute to development based on economic growth, democracy and the protection and promotion of human rights, as conceived by the Secretary-General.

28. In that context, the European Community and its member States appeared to have adopted criteria that should eventually promote genuine development. In Germany for example, the Federal Ministry of Economic Cooperation had specified the essential preconditions for the allocation of financial assistance to third countries (respect for human rights, recognition of the legal rights of the people, and establishment of an economic system conducive to a market economy).

The Ministry had also stated that it would take into account the percentage of the GNP and the proportion of the total budget devoted by the requesting Government to the military sector, as well as the amount of military expenditure compared with other expenditure, particularly that on health and education. That was one of the most promising developments during the past few years in policies aimed at promoting genuine development.

29. Yet such measures were likely to result in changes only if they were applied systematically not only in the framework of bilateral assistance but also in the context of multilateral agreements to which the States having adopted such criteria were party. For in February 1992, the Paris Club, whose members included Germany, the United Kingdom and France, had provided the Government of Sri Lanka with assistance amounting to $US 825 million despite the serious violations that had been committed for years in that country and even though that country's policy during the previous 10 years had been diametrically opposed to the criteria laid down by the German Ministry (reduction in the amount allocated to education and health and a considerable increase in military expenditure). In view of those figures and the impressive number of victims of repressive measures, the Paris Club should have refused to provide assistance or at least to lay down strict conditions so as to get Sri Lanka to do what was necessary.

30. The donor Governments should also adopt concerted and consistent policies in the matter. In March 1992, the Government of the Netherlands had induced the Intergovernmental Group on Indonesia to link the aid process to respect for human rights and to take certain measures following the massacres perpetrated in East Timor. The Indonesian Government had then requested the establishment, under the World Bank, of a new Advisory Group on Indonesia which had allocated to that country assistance amounting to $US 4.94 billion for 1992/1993, in other words, $US 200 million more than it had received in 1991. Even though the United States delegation had strongly condemned human rights violations and particularly the Dili massacre, the Advisory Group had decided to allocate the assistance requested by Indonesia without pursuing the discussion of human rights.

31. He reminded the Commission of the campaign orchestrated by his organization in June 1992 against the World Bank concerning conditions governing the use of a credit of $US 120 million requested by the Government of Malawi. At the time it had drawn the Sub-Commission's attention to the serious violations being committed in that country. The World Bank had responded to that campaign by stating that it was unable to do anything about matters of governmental policy. And yet the World Bank's recent reports and the positions adopted by its main contributors suggested that respect for fundamental rights and democracy was necessary to a sound economic development policy.

32. Another important aspect of the impact of economic policies on the human rights situation concerned the conditions imposed by certain structural programmes. A large amount of criticism had already been levelled against the unfair distribution of the effort required, which was borne mainly by the most disadvantaged social groups. The International Confederation of Free Trade Unions had transmitted to IMF and the World Bank proposals for consultations and negotiations with the workers affected by the measures suggested. It had also requested that social protection machinery and greater assistance should be provided to countries where the social sphere was seriously affected by the structural adjustment measures advocated.

33. So far those requests had been largely ignored. The Conference held in September 1992 by the Ad Hoc Committee for the Asian and Pacific Region for the World Conference on Human Rights had reviewed the impact of the development policies implemented in the region on civil and political rights, economic, social and cultural rights, the rights of women and the rights of indigenous populations, as well as their impact on the sovereignty of the States of the region. It appeared that in many States of the Asian and Pacific region development was frequently presented to the people as an option incompatible with democracy and as an excuse for violations of civil and political rights. It was therefore vital that international economic and financial bodies, the donor States and the developing countries should review their policies in the light of the new principles constantly being proclaimed. Economic policies taking into account the necessary democratization of States and the promotion of human rights as part of development should be implemented with the effective support of the entire United Nations system.

34. Mr. SIEBERT (Commission of the Churches on International Affairs of the World Council of Churches) who emphasized the importance of the principle of the indivisibility of civil and political rights and of economic, social and cultural rights. The World Council of Churches had become acutely aware of the serious human rights implications in situations where economic, social and cultural rights were thwarted. However, it did not support the view that difficulties in implementing civil and political rights were entirely a consequence of international economic policies that limited the ability of Governments to protect human rights. Nor did it support the view that a State's respect for civil and political rights would necessarily lead to economic prosperity when serious impediments were put in its way by the present international economic order. That sterile debate had for too long prevented the Commission on Human Rights from reflecting seriously about the human rights implications of international economic policies. In that respect, the report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16) proposed a number of important measures that deserved wide support and would enable progress to be made in that area.

35. Among the obstacles standing in the way of the realization of economic, social and cultural rights, Mr. Türk referred in his report to structural adjustment programmes, crippling foreign debt, military expenditures and armed conflict, environmental devastation and unequal income distribution. Religious organizations and their partners in the South had repeatedly stated that indebtedness and the consequences of economic adjustment programmes negotiated between Governments and international financial institutions were a primary obstacle to the realization of economic, social and cultural rights.

36. During the previous 10 years, a large number of countries in the South had embarked upon economic reform programmes as a result of agreements with IMF and the World Bank. The primary objectives of those programmes was to improve the balance of payments by attracting inflows of capital, promoting exports and reducing government expenditure. While there could be little objection to the goal of creating stable national and international economic conditions, it was unacceptable that such stability should be achieved at the cost of civil and political rights or the deterioration of living conditions in many countries in the South. Indeed, such structural adjustment programmes had increased unemployment, as well as health and education costs, frozen the lowest wages, increased the prices of staple foods and consumer goods, resulted in the repeated devaluation of national currencies, eroded real incomes for the majority of populations and brought about consistent patterns of discrimination

in favour of foreign investors and suppliers at the expense of local entrepreneurs. International financial institutions were concerned with respect for human rights only in so far as that would create a positive investment climate. In one of its studies, the World Council of Churches had concluded that the implementation of those programmes could require the adoption of dictatorial measures that posed a serious threat to social peace and fragile democratic patterns of government in certain countries. It was to be noted that such problems also affected certain industrialised countries in the North where economic restructuring resulted in increasing unemployment and income disparity, as well as a further marginalization of disadvantaged groups.

37. The Commission should therefore develop, within international financial institutions, machinery to monitor the impact of their programmes on the realization of economic, social and cultural rights. Moreover, the extent to which Governments were determined and able to satisfy the economic, social and cultural needs of the peoples concerned should be subject to genuine international scrutiny. The conditions on which foreign aid was made available could thus be reviewed.

38. As Mr. Türk had submitted his final report, it was imperative that the Commission should find ways of continuing the debate on items 7 and 8 and that it should ensure the indivisibility of human rights. To that end, the Secretariat could be strengthened and better coordinated. Options, such as the creation of a high-level committee of experts reporting to the General Assembly on the progress made in implementing the Declaration on the Right to Development at the national and international levels should also be examined carefully. In any event, participation in the discussions of those who had been deprived of their rights was essential. Non-governmental organizations had always provided the link with the disadvantaged and the poor and should therefore participate fully in those discussions. The challenge of adopting a global approach to all human rights must be met, since civil and political rights as well as economic, social and cultural rights were indivisible.

39. Mr. WAREHAM (International Association against Torture) pointed out that the question of development called for the creation of a bias-free monitoring and implementing instrument, since the situation in the African and American continents, together with the deliberate policy of underdevelopment that the United States Government inflicted on its 40 million residents of African descent and, through its foreign policy, on the developing countries and collectivities of underdevelopment throughout the world, was indeed extremely disturbing. The fact that the developing countries were not making progress was due neither to an accident nor to any genetic, racial or geographical defect. The continuation of underdevelopment was the result of the policies of countries whose smug superiority and economic ascendency were or had been based on the ruthless exploitation of those very countries that were now blamed for their own predicament.

40. Article 1 of the Declaration on the Right to Development expressed that right as the right of individuals to contribute to economic, social, cultural and political development. The Global Consultations on the Right to Development as a Human Right had reached the conclusion that "the biggest obstacles in the realization of the right to development lie at the international macro-economic level, where the gap between developing and developed countries, between the South and the North, the rich and the poor, is ever widening, aggravated by

trade barriers, debt, lack of transfer of technologies and restrictive immigration policies".

41. That gap was striking in Africa. A report of the United Nations Population Fund estimated that, by 2025, Africa's population could account for 19 per cent of the world's total. Yet that continent would remain the poorest in the world, its poverty being closely linked to the enormous debt being borne by the African continent - a debt equivalent to 90 per cent of its GNP. In its attempts to emerge from underdevelopment, Africa was subject to the vicissitudes of the world market. In the first half of 1992, the prices of cocoa and coffee, two of its main export products, had fallen sharply and only sugar prices had been higher. It was often considered that financial institutions, such as the World Bank and IMF, held the solution to problems of underdevelopment in Africa and other regions of the world. So far, however, the policies of those institutions, instead of facilitating development had in many cases fostered underdevelopment. African Governments, as well as the African Development Bank were concerned by the increasing number of strings attached to development aid. IMF and the World Bank had now added political conditions (political reforms, respect for human rights, reduction of military expenditures and of poverty, and environmental safeguards) to the already stringent economic conditions (cuts in social services, debt servicing) that they had laid down. Aid had become an industry. The profits derived from aid by the developed countries gave them an even greater incentive to maintain the status quo. Moreover, the driving force in the new unipolar world order was unquestionably the United States Government which wielded disproportionate influence on IMF and World Bank policies. One example was the embargo imposed against Cuba for 30 years which was designed to stifle its sovereign right to development and to establish United States dominance over the country. The same goal of domination, with varying degrees of subtlety, also shaped the United States Government's relationship with United Nations financing institutions as well as its bilateral loans.

42. Guatemala was experiencing criminal conditions of underdevelopment. In 1992, the Guatemalan Government had taken steps to implement a tax modernization programme that was to have made it eligible for aid from the World Bank and the Agency for International Development (an undisputed arm of United States foreign policy). The consequences soon became apparent: increased inflation and petrol prices, and therefore transport costs, shortages of medical equipment and personnel and therefore aggravation of the hospital crisis, less investment in housing construction, illnesses caused by malnutrition, reduced consumption, increased repression and common crime.

43. The United States had always questioned the right to development and its Government had consistently refused to admit the indivisibility of human rights and the need for a single standard of enforcement which would jeopardize its claim to moral leadership in the human rights sphere. It was in that ideological context that should be considered the underdevelopment of 40 million United States-based Africans whose fate was inexplicably tied to a policy of institutionalized racism. The situation of black Africans differed little from that of their brothers on the African continent and could be summed up in three words, namely, poverty, stagnation and hopelessness. They were little affected by the ups and downs of the United States economy except that the economic depression simply widened the chasm between Blacks and Whites. The figures spoke for themselves: an official Black unemployment rate of 12.1 per cent (it was undoubtedly much higher), a Black poverty rate of 32.7 per cent, aggregate Black income representing only 7.78 per cent of aggregate United States income whereas the Black population accounted for

12.5 per cent of the total population, as well as living conditions that were generally lower.

44. Moreover, the Global Consultations had also reached the conclusion that there were also impediments at the national level, where disparities in income distribution were on the increase. The disparity in income distribution in the United States was enormous, since most of the wealth was in the hands of a tiny minority. As in Guatemala, structural unemployment lead to the development of an illegal (drug-related) economy in the Black American community, which had no other means of survival. That community in essence functioned as a neocolony exploited for the cash that it provided to the country. As it did internationally, the United States Government made symbolic gestures to deal with the situation, launching programmes which ended rapidly because the tax base of the areas concerned was unable to sustain them.

45. As indicated by the Secretary-General in his report on the right to development, participation was at the heart of the right to development and directly related to the right to self-determination, since the latter encompassed the right of all peoples freely to dispose of their natural wealth and resources. Since the question of development could not remain another agenda item that failed to bring about change, the Commission on Human Rights should develop machinery that could identify the obstacles to development and achieve development objectives. Such machinery could also put an end to the double-standard policy followed by the United Nations. That entailed democratic and equal participation of the developing countries and the collectivities of underdevelopment that existed within the so-called developed countries.

46. Mr. REY (International Immigrants Foundation) said that at the present time the task of ensuring the enjoyment by all of their economic, social and cultural rights was inescapable. It was easy to understand why dignity was a word devoid of substance for an individual who had no work and went hungry. It should therefore be the common goal of all members of the Commission to find ways and means of remedying that situation. An analysis of past events revealed the relationship between economic, social and cultural rights on the one hand and civil and political rights on the other. An entire segment of humanity was still paying the price for colonial depredation and was still suffering from the arbitrary measures and injustice imposed upon it by anti-democratic or totalitarian Governments.

47. The most striking social and economic successes had been achieved by democratic countries with sound institutions, and the fact that small countries such as Costa Rica, Uruguay, Israel and Taiwan had attained an acceptable standard of economic, social and cultural rights demonstrated that such achievements were not the monopoly of the major developed countries. Political regimes that made all means of production, industry, services and trade the absolute property of the State had all created economic disaster. It had been found that the realization of economic rights was impossible in countries where the State was all-powerful and where workers enjoyed neither the right to strike nor to belong to a trade union at the risk of losing their jobs or going to prison. The same held true of social and cultural rights, for how many people indeed had been denied their right to education, to publish their works or to develop their artistic talents simply because they refused to conform.

48. Consideration of agenda item 7 called for a discussion of the problems encountered by the developing countries in the realization of economic, social and cultural rights, as well as the problem of external indebtedness and its impact on those rights. The right to an adequate level of living was related above all to the natural resources of each country, but also to the way in which the Government exploited such resources. Although it could be said that the Government of a poor country, overwhelmed by natural disasters, should not be held responsible for the level of living of its people, that line of reasoning was not valid in the case of the Government of a fertile country, with a tropical and rainy climate, which was unable to feed its people. That was obviously due to governmental incompetence which the Commission should condemn strongly and clearly. What was to be thought of a country which, for a large number of years, had received annual subsidies of about $US 3 billion and which nevertheless strictly rationed its people? Was it normal that a country that was one of the world's largest sugar producers should permit each person to purchase only 3 pounds of sugar a month? How was it that a Government could let its country slip from third to last place among the South American countries in terms of per capita income and make it shoulder the burden of an enormous foreign debt? Yet that was the policy of the Cuban Government.

49. The international community should not tolerate a situation in which a Government, relying on its armed forces, kept its people under the yoke, destroyed its wealth and compromised its future. That same Government was selling the nation's cultural heritage and the country's entire industrial potential to foreign Powers, whereas Cuban citizens were denied the right to engage in any commercial activity. The most beautiful beaches and the best hotels were, of course, reserved for the exclusive use of those foreigners and for the national elite, namely, the members of the Communist Party.
South Africa obviously did not have a monopoly of apartheid. In 1993, as in previous years, the representatives of Cuba would make a great to-do about the health and education policies being carried out in their county, but a medical system without medicaments and education without books that transformed young persons into robots were devoid of all discernment.

50. Mr. HERNANDO HERRERA (World Federation of Christian Life Communities), speaking on behalf of the Colombian people and particularly the most disadvantaged segments of the population who aspired to a more just and pluralist society in which life was respected and all peoples, regardless of race, culture and religion, could live together, said that despite the major difficulties confronted by Colombia and the violence prevailing in the country, small communities were engaged in a daily struggle for life, love, justice and respect for economic, social and cultural rights. He bitterly denounced those who had the power of decision, knowledge and wealth but who, through egoism, opposed the realization of the right to development and prevented the most disadvantaged from enjoying a decent level of living. It was pointless to make pronouncements or fine speeches about human rights if external indebtedness was suffocating a large number of Latin American countries, if the production and sale of arms to the Latin American peoples continued to be encouraged so that they could kill one another, destroy the planet and the heritage of mankind. Action must be taken to make the voice of the poorest heard at the end of the nineteenth century when racism, xenophobia, apartheid, AIDS, hunger, injustice, violence and death - the fruits of egoism, pride and the division of mankind - were ravaging the entire world.

51. There was even more poverty in most of the poor countries than in the 1970s, and the imbalance between rich and poor nations was increasing,

marginalizing and excluding entire regions, together with their culture. Whence the right to life craved for by the excluded majorities and the challenge of what was erroneously called the "new economic order" that was proposed to them. The poorest segments of society were increasingly resisting the social and economic ideology of neo-liberalism and the market economy that was being forced upon them. The globalization of the economy, the predominance of information technology and communications, the whittling-away of national independence and the weakening of the power of the State that characterized the new civilization were contrary to the realization of the economic, social and cultural rights of the most disadvantaged, and jeopardized the survival of cultures, habitats, ethnic groups and religions. Quoting from the 1992 world report on human development, he observed that restricted access and on an unequal basis to world markets cost the developing countries $US 500,000 million per year, an amount equivalent to what they received in the form of international aid.

52. The present economic system did not correspond to the people's real requirements. On the contrary, it created artificial needs and, above all, produced what the dominant countries wanted it to produce. It was an unjust system, as was proved by the increasing number of persons living in the most abject poverty in the shadow of industrial estates. The international community was experiencing an economic crisis which masked an ethical crisis of universal dimensions engendered by injustice at both the national and international level. The most disadvantaged were thus in a critical situation which could be remedied by transferring technology that was vital to agricultural and industrial production and by adopting a social and economic policy based on mutual respect; that policy, moreover, should be aimed at the collectivization of means of transport, the decentralization of industry, the preferential use of "soft" forms of energy which were renewable and non-polluting, and the improvement of the nutritional situation and the level of education of the people. Action must also be taken to curb all forms of violence, particularly as a new anti-democratic wave that was surging through Latin America and particularly the Andean countries had already been enthusiastically welcomed by the Peruvian and Colombian authorities. Indeed, on 9 November 1992, César Gaviria, the Colombian President, had suspended the new Constitution and proclaimed a state of emergency in order to conceal the acute institutional, economic and social crisis which the country was experiencing and which was reflected in the extensive corruption of the army and the police, official links between drug traffickers and paramilitary groups, the systematic violation of human rights by the armed forces and State security services, the misappropriation of public funds and daily electricity and drinking water restrictions in the major towns. The policy of extermination and violence adopted to cope with peaceful protests coincided with the statement recently made in Geneva by Mr. Jorge Orlando Melo, the presidential adviser on human rights, when he had stated that the exercise of human rights depended on the peace process; in other words, constitutional guarantees were suspended in Colombia so long as the state of war continued. Between 1988 and 1992, a total of 43,870 persons had been killed for political, social or other reasons or had disappeared; that represented to a daily total of 24.3 persons killed or disappeared.

53. The international community, as represented by the United Nations, and each Government in particular should protect the right of small communities to development as well as the rights of the poorest, such as the right to land. In that connection he mentioned the case of some 1,200 families who had worked for 40 years on the estate of Luis Calderón Tejada and his son and who, as a token of their gratitude, had been given land of which they were now being dispossessed. Nor were the economic, social and cultural rights of many marginalized groups respected; they were therefore organizing themselves to find

solutions in order to meet their daily needs since the only thing that mattered was the development of the great and respect for the rights of the powerful.

54. He called upon the Commission on Human Rights to recognize that popular participation was the prerequisite for the realization of the right to development and of the economic, social and cultural rights of the most disadvantaged.

55. Mr. ARTEAGA (Venezuela) said that the question of human rights had assumed unprecedented importance both from the theoretical as well as practical standpoint. It was no longer the preserve of specialists but concerned the international community as a whole and each citizen in particular. The right to a better life was now closely linked to the concept of human dignity. The many difficulties confronting the international community accentuated the feeling of interdependence and indicated that solutions must be sought jointly. The individual must be regarded as the central element of development if the new world order was to be based on justice. International relations must also assume a more human dimension. His delegation therefore attached the greatest importance to agenda items 7 and 8, and particularly to the realization of economic, social and cultural rights; in that respect it should be re-emphasized that human rights were indivisible and that one right could not replace another. The legal status of civil and political rights was admittedly different from that of economic and social rights, but both categories formed an integral part of the right to development and the fundamental rights of the individual.

56. The Latin American countries had made great strides towards democratization. The vitality of political regimes based on pluralism and popular participation and the positive consequences of the end of the cold war highlighted the inseparable nature of the political, economic, social and cultural aspects of society. Events had brought into sharper relief the many links that existed between respect for civil and political rights and the right to a better level of living. Economic development was inconceivable in the absence of respect for human rights, and it would be impossible to provide better protection for human rights without improving economic and social conditions. In that connection he referred to a statement by the Executive Secretary of the Economic Commission for Latin America and the Caribbean who had said that civil and political rights, whose recognition had been so hard to achieve, would remain a dead letter for the disadvantaged so long as progress was not made with the implementation of economic and social rights. Development was therefore the sine qua non condition for the realization of civil and political rights by virtue of which all citizens could participate in public affairs and thereby ensure enjoyment of their rights to security, housing, health and work.

57. Quoting article 8, paragraph 2, of the Declaration on the Right to Development and referring to the Programme of Action 21 of the United Nations Conference on Environment and Development, he said that popular participation in the decision-making process was one of the main indispensable elements in the achievement of sustainable development. By adopting the Rio Declaration on Environment and Development, all States had demonstrated their determination to achieve such development and had proclaimed the need to realize the right to development in order to equitably meet developmental and environmental needs of present and future generations. In his report of September 1992 on the work of the United Nations, the Secretary-General had stated that human rights had no meaning if poverty prevailed, that development was at the basis of any progress

and constituted one of the human rights which, in turn, were indispensable to economic progress. Referring to the Secretary-General's report on concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development (E/CN.4/1993/16), he too observed that the main obstacles to the realization of that right were situated at the international macro-economic level, where the gap between developing and developed countries, between the South and North, the rich and the poor, was ever widening, aggravated by trade barriers, debt, lack of transfer of technologies and restrictive immigration policies; but there were also impediments at the national level, where disparities in income distribution were on the increase. His delegation emphasized the importance of that report and endorsed the proposals for the implementation of the right to development and in particular the establishment of a high-level committee of experts to report annually to the General Assembly on the progress made in the implementation of the right to development at the national and international levels.

58. It seemed logical that, in an international environment more conducive to co-operation, all countries should display solidarity in the face of development-related problems. The question of human rights should be considered in the light of the interdependence of civil, political, economic, social and cultural rights, particularly on the threshold of the World Conference on Human Rights which, among other things, would tackle the question of the relationship between democracy, development and human rights. There could be no security or stability in a world where over half of the population lived in poverty whereas a minority enjoyed a high level of living. International security depended on respect for human rights and their implementation through development. His delegation would therefore associate itself with all draft resolutions on the right to development and economic adjustment policies conducive to the effective implementation of human rights.

59. Mr. DAWALIBI (Syrian Arab Republic), referring to General Assembly resolution 128/41 of 4 December 1986, observed that the right to development was regarded as a fundamental right. All peoples should have the right to participate actively and freely in the economic, social, cultural and political development process, either as individuals or groups, in order to improve their well-being and ensure a fair distribution of the results of development.

60. Syria had attached great importance to development since achieving independence. Its policy in that respect was based on an essential principle, namely, that the nation was the property of all and that it stood in need of the efforts of each individual. The Government had adopted the system of political and economic pluralism in order to enable all citizens to participate effectively in the development process. On 18 November 1992 it had submitted to the Assembly of the People a new and ambitious development plan that mobilized the public, private and mixed sectors of the Syrian economy and encouraged citizens, innovators and producers to participate in the process and to find solutions to the problems that hampered Syria's development.

61. The realization of the right to development was intended to ensure economic, social and political stability in the world, which should result in a new world order reflecting the common interests of the entire international community. If that priority objective was to be achieved, democratic values and human rights had to be respected and the rule of law assured. Each individual's right to development should be recognized without, however, setting objectives for States, since that would violate their sovereignty. At the United Nations

Conference on Trade and Development held at Cartagena in February 1992, the international community had emphasized that economic development was an indispensable condition for international peace and security. Furthermore, the question of the right to development had been included in the Programme of Action 21 of the United Nations Conference on Environment and Development held at Rio from 3 to 14 June 1992 during which participants had decided to establish a Commission on Sustainable Development.

62. Yet realization of the right to development continued to encounter many difficulties, particularly in the developing countries; such difficulties could not be ignored by the developed countries since they were likely to have repercussions on the welfare of their own peoples. The developed countries therefore had an important role to play in protecting the environment, not only in their own countries but also in the developing countries, as well as in the transfer of new technology. In conclusion, he said that the realization of the right to development could be achieved only through exchanges of views and a constructive dialogue based on mutual respect between the countries of the North and the countries of the South.

63. Ms. FERRIOL ECHEVARRIA (Cuba), speaking in exercise of the right of reply, said that the representative of the International Immigrants Foundation knew nothing about the actual economic and social situation in Cuba and had indulged in falsehoods. She pointed out that the progress achieved in the fields of education, health and science had been recognized by the international community, and specifically by UNICEF, UNESCO and WHO. She also noted that the representative of the International Immigrants Foundation, who was in a privileged position since he enjoyed the financial support of the United States of America, appeared to know nothing of the situation in his own country where certain groups, and particularly the Blacks and other marginal minorities, did not enjoy the same rights as others, as had been indicated by the representative of the International Association against Torture in his statement which the representative of the International Immigrants Foundation had obviously not listened to; he had confined himself to a falsification of reality and had only one desire, namely, that the United States should annex Cuba.

The meeting rose at 1 p.m.